

CCS HCS SB 636 -- JUDICIAL PROCEDURES

This bill changes the laws regarding judicial procedures.

JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT (Section 21.771, RSMo)

The Joint Committee on Child Abuse and Neglect is established composed of seven members of the House of Representatives appointed by the Speaker and Minority Floor Leader and seven members of the Senate appointed by the President Pro Tem and the Minority Floor Leader.

The joint committee is required to:

- (1) Make a continuing study and analysis of the state child abuse and neglect reporting and investigation system;
- (2) Devise a plan for improving the structured decision making regarding the removal of a child from a home;
- (3) Determine the additional personnel and resources necessary to adequately protect children in this state and improve their welfare and the welfare of families;
- (4) Address the need for additional foster care homes and to improve the quality of care provided to abused and neglected children in the custody of the state;
- (5) Determine from its study and analysis the need for changes in statutory law;
- (6) Make any recommendation to the General Assembly necessary to provide adequate protection for the children of our state;
- (7) Meet within 30 days after its creation and select a chairperson and a vice chairperson and meet quarterly thereafter; and
- (8) Compile a full report of its activities for submission to the General Assembly by January 15 of each year that the General Assembly convenes in regular session.

These provisions expire January 15, 2018.

DRIVER'S REGISTRATION AND MOTOR VEHICLE RECORDS (Section 32.056)

Currently, the Department of Revenue is prohibited from releasing the home address or any other information contained in the department's motor vehicle or driver registration records on specified groups of individuals. The bill adds any state or

federal judge or his or her immediate family members to those groups and specifies that the department cannot release any information that identifies any vehicle owned or leased by the specified groups in its records with specified exceptions.

MUNICIPAL COURTS (Section 67.320)

The bill authorizes Franklin County to prosecute and punish violations of its county orders in the circuit court or in a county municipal court if the creation of a county municipal court is approved by an order of the county commission. The Franklin County Commission must appoint the first judges for the county municipal court for a term of four years, and thereafter the judges must be elected for a term of four years. The commission must establish by order the number of judges to be appointed and the qualifications for their appointment.

BI-STATE DEVELOPMENT AGENCY FARES (Section 70.441)

Any person who is convicted or who pleads guilty or nolo contendere for failing to pay the proper fare, fee, or other charge for the use of Bi-State Development Agency facilities and conveyances may also be required to reimburse the costs attributable to the enforcement, investigation, and prosecution of the offense by the agency. The court must direct the reimbursement proceeds to the appropriate agency official.

JUVENILE COURT JURISDICTION (Section 211.031)

The age at which the juvenile court will have jurisdiction over a child involving a state or local traffic violation is changed from up to 15 1/2 years of age to up to 15 years of age.

VIDEOCONFERENCING OF OFFENDERS (Section 217.670)

The bill allows the Board of Probation and Parole within the Department of Corrections, or a hearing panel of the board, to conduct a hearing with an offender by means of a videoconference at the board's discretion. Victims having a right to attend parole hearings may testify at the site where the board is conducting the videoconference or at the institution where the offender is located. The use of videoconferencing cannot be utilized if the offender, victim, or victim's family objects to it.

PERFECTION OF SECURITY INTERESTS (Section 400.9-311)

Currently, a person in the business of selling or leasing goods is not required to file a financing statement on property held as inventory to perfect a security interest in the property. The

bill requires a person in the business of leasing goods to file the statement.

QUALIFIED SPOUSAL TRUSTS (Section 456.950)

The bill allows a trust to be considered a qualified spousal trust if the trust consists of property held in one trust for both spouses, property held in two shares in one trust for each spouse, or both. Currently, a trust can be considered a qualified spousal trust if the property is held in one trust or the property if held in two separate shares of one trust.

STATEWIDE COURT AUTOMATION FUND (Section 476.055)

Currently, any unexpended balance remaining in the Statewide Court Automation Fund on September 1, 2013, must be transferred to general revenue. The bill extends that date to September 1, 2015.

Currently, the provisions regarding the fee assessed in certain court cases that is collected and deposited into the fund expire on September 1, 2013. The bill extends the expiration date to September 1, 2015.

Currently, the Court Automation Committee is required to complete its duties prior to September 1, 2015. The bill extends that date to prior to September 1, 2017.

MUNICIPAL ORDINANCE VIOLATIONS (Section 479.040)

Currently, a city, town, or village with less than 400,000 residents can choose to have violations of its municipal ordinances heard and determined by a county municipal court or an associate circuit court, and after the choice is made, all municipal ordinance violations will be heard by that court. The bill authorizes a city, town, or village to elect to have violations involving an accused with special needs due to mental disorder or mental illness or whose special needs, circumstances, and charges cannot adequately be accommodated by the municipal court to be heard and determined by the associate circuit court or county municipal court. The associate circuit court or county municipal court must have established specialized dockets or courts to provide adequate accommodations and resources for specifically handling these matters and must accept the transfer by consent of the presiding judge or by court contract.

ST. LOUIS CITY CIRCUIT CLERK (Section 483.015)

Currently, the circuit clerk in the 22nd Judicial Circuit for the City of St. Louis is elected by the qualified voters of the city.

The bill requires him or her to be appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en banc. The clerk will be removable for cause by a majority of the circuit judges and associate judges of the circuit, en banc, in accordance with Supreme Court administrative rules governing court personnel. The elected circuit clerk who is holding office when these provisions become effective must continue to hold office for the duration of his or her elected term.

CONDEMNATION PROCEEDINGS (Sections 508.050 and 523.010)

Suits in inverse condemnation or involving dangerous conditions of public property against a municipal corporation established under Article VI, Section 30(a) of the Missouri Constitution must be brought only in the county where the land or any part of the land lies.